

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH
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PUBLIC LAWS
OF THE
STATE OF MAINE

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1985

3. Consent. Data that personally identifies the developmentally disabled or learning disabled person can be copied or disclosed only after receipt of that person's written consent or, if that person has been judged incompetent or is a minor, then written consent must be received from:

A. The parent or guardian of a developmentally disabled or learning disabled minor. If the person is a ward of the State, the public guardian shall give consent unless it shows that such consent would not be in the person's best interest;

B. The guardian of the developmentally disabled or learning disabled adult, provided the guardian has this power; or

C. The guardian ad litem of developmentally disabled or learning disabled person who is the subject of the information, materials or records.

If the developmentally disabled or learning disabled minor is competent to understand the purpose, significance and result of the use and disclosure of identifiable information, then the agency shall inform him of his right to stop that use and disclosure. The use and disclosure of identifiable information shall stop if he expresses a clear desire that it stop.

Sec. 6. 22 MRSA §3556, as enacted by PL 1979, c. 553, §2, is amended to read:

§3556. Review of guardianship

The appropriate court shall, upon an agency petition which alleges adequate grounds, review the guardianship of a developmentally disabled or learning disabled person.

Effective September 19, 1985.

CHAPTER 160

S.P. 202 - L.D. 552

AN ACT to Establish a Division of Deafness
within the Bureau of Rehabilitation.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §12004, sub-§10, ¶A, sub-¶(36-A), is enacted to read:

(36-A) Human Advisory Expenses 22 MRSA §3074
Services: Committee Only
Rehabili- to Division
tation of Deafness

Sec. 2. 22 MRSA c. 714 is enacted to read:

CHAPTER 714

DIVISION OF DEAFNESS

§3071. Division of Deafness

There is established the Division of Deafness within the Department of Human Services, Bureau of Rehabilitation.

§3072. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Advisory committee. "Advisory committee" means the advisory committee for the Division of Deafness.

2. Commissioner. "Commissioner" means the Commissioner of Human Services.

3. Deaf or deafness. "Deaf or deafness" means a hearing handicap in which the sense of hearing is nonfunctional for the purpose of ordinary communication.

4. Hearing impairment. "Hearing impairment" means a hearing handicap in which the sense of hearing is defective, but still functional, with or without amplification.

5. Statewide registry. "Statewide registry" means a current listing, developed in cooperation with various registries throughout the State, of those persons in the State who are handicapped by deafness or hearing impairment.

§3073. Powers and duties

In order to provide services and information to the deaf and hearing impaired, the Division of Deaf-

ness, as authorized by the Director of the Bureau of Rehabilitation, shall have the power and duty to work toward the following objectives:

1. Provide advocacy. To provide cooperative agreements or coordinate with agencies or community resources to provide advocacy for the rights of the deaf and hearing impaired in the areas of employment, education, legal aid, health care, social services, finance, housing and other personal assistance while avoiding duplication of effort in these areas;

2. Statewide registry. To maintain, coordinate and update a voluntary statewide registry of the deaf and hearing impaired as is developed in cooperation with various registries throughout the State, use of this list being restricted to section 3062;

3. Information and referral. To provide information and referral services to deaf and hearing impaired and their families on questions related to their disorder;

4. Develop objectives. To develop a plan with goals and objectives for development, planning and implementation within a framework for greater cooperation and coordination among agencies and organizations now serving or having the potential to serve the deaf and hearing impaired;

5. Community service center. To continue to study the need to establish, maintain and fund at least one community service center where deaf and hearing impaired and their families can receive pertinent information relating to the coordination of services that each requires;

6. Promote accessibility. To promote accessibility to all governmental services for Maine residents who are deaf or hearing impaired; and

7. Recommendations. To make recommendations to the Governor, the joint standing committee of the Legislature having jurisdiction over human resources with respect to modifications in existing services or establishment of additional services for the deaf and hearing impaired and their families.

§3074. Advisory committee

There shall be within the Department of Human Services, Bureau of Rehabilitation, Division of Deafness, an advisory committee consisting of 23 members

and 3 nonvoting member-at-large positions to be appointed by the Director of the Bureau of Rehabilitation, in conjunction with the Director of the Division of Deafness and representing equally consumers, professionals and the public. Members shall be compensated according to the provisions of Title 5, chapter 379.

The Director of the Bureau of Rehabilitation, in conjunction with the Director of the Division of Deafness, shall appoint, from the advisory committee, a chairman and vice-chairman to serve 2-year terms. The committee shall meet at the call of the chairman but not less than 4 times during a calendar year. The chairman may delegate, as necessary, duties to members to carry out the functions of the committee.

§3075. Advisory committee; powers and duties

The advisory committee shall advise the Director of the Bureau of Rehabilitation and the Director of the Division of Deafness and shall prepare an annual report which shall be a public document to the extent that it complies with section 3062. The report shall include, but not be limited to:

1. Review. Review of the status of services to the deaf and hearing impaired;

2. Recommendations. Recommendations for priorities for the development and coordination of services to the deaf and hearing impaired;

3. Evaluation. An evaluation of the progress made as the result of any recommendations made in the preceding report of the chairman;

4. Statement of goals. A statement of goals for activities of the division during the next following fiscal year; and

5. Implementation of functions. The steps to be taken by the division to implement the functions listed in section 3073.

§3076. Director of the Division of Deafness

1. Director. The Director of the Bureau of Rehabilitation shall appoint a Director of the Division of Deafness, who shall be responsible for administering the Division of Deafness and its programs and policies, including generating and seeking out financial aid, grants and money.

2. Director of the Division of Deafness; staff; qualifications. Both the Director of the Division of Deafness and staff must be knowledgeable of the needs of the deaf and hearing impaired and possess the ability to communicate on a meaningful basis with those handicapped persons.

Effective September 19, 1985.

CHAPTER 161

S.P. 205 - L.D. 576

AN ACT to Recodify the Election Laws.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 10 MRSA §917, sub-§6, as repealed and replaced by PL 1981, c. 686, §1, is amended to read:

6. Climate for economic development. Promotion of an improved climate for economic development in the State through judicious use of the public and private nature of the foundation to provide objective analysis and develop broad consensus on issues of significance to the economic health of the State; provided that the promotion does not require the foundation to register as a lobbyist employer pursuant to Title 3, chapter 15; and further provided that the foundation does not advocate to the general public a position on a question as defined in Title 21, section 17, subsection 30 Title 21-A, section 1, subsection 34;

Sec. 2. 20-A MRSA §4102, sub-§4, ¶B, as enacted by PL 1983, c. 422, §17, is amended to read:

B. Secondary schools in school administrative districts and community school districts and either elementary or secondary schools in other school administrative units may be closed without voter approval, unless the school board is presented with a written petition, within 30 days of the board's decision to close the school, by 10% of the number of voters in the school administrative unit who voted at the last gubernatorial election, then a special referendum shall be called pursuant to: